IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)	Group Art Unit: 2164
Arjan De Mes	)	Examiner: Rezwanul Mahmood
Application No.: 10/809,575	)	IBM Corporation
Filed: March 25, 2004	)	Intellectual Property Law
Title: SEARCHABLE PERSONAL	)	Department SHCB/040-3
BROWSING HISTORY	)	1701 North Street
Appeal No.:	)	Endicott, NY 13760
Confirmation No.:	)	

BRIEF FOR APPELLANT

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Mail Stop Appeal Brief – Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

    (i)   Real party in Interest.

        The present application is assigned to International Business Machines

Corporation, a corporation organized and existing under the laws of the State of

New York and having a place of business at Armonk, New York.

    (ii)   Related appeals and interferences.

        The Appellant's legal representative, or assignee, does not know of any other

appeal or interferences, which will affect or be directly affected by or have

bearing on the Board's decision in the pending appeal.

(iii)   *Status of claims.*

Claims 34-41 and 46-53 are pending and on appeal in the application. The application was filed with 12 claims. Claims 1-33 and claims 42-45 were previously canceled. Claims 34-41 and claims 46-53 were amended. Pursuant to 37 C.F.R. § 1.191(a), Appellant hereby appeals the Examiner's decision finally rejecting claims 34-41 and claims 46-53 to the Board of Patent Appeals and Interferences.

(iv)   *Status of amendments.*

A Final Office Action was issued on May 29, 2008, rejecting claims 34-41 and claims 46-53 under 35 U.S.C. § 103(a). A Notice of Appeal was filed on August 29, 2008. The fee of $540.00 for filing this appeal brief is to be deducted from deposit account 09-0457 along with any other fees that may be required, including any present or future extension of time fees, which Appellant hereby requests and authorizes, if necessary.

A clean copy of claims 34-41 and 46-53 at issue on appeal is attached as the Claims appendix.

(v)   *Summary of claimed subject matter.*

The invention is summarized in the Summary section of the application starting on page 4 and ending on page 5. The invention defined in the claims is a method and computer program product for displaying a web browsing history. Claim 34, the first independent claim, claims a method for displaying a web browsing history; claim 38, the second independent claim, claims a method for displaying a web browsing history; claim 46, the third independent claim claims a computer program product for displaying to a user a web browsing history on a computer system having a central processing unit; and claim 50, the fourth independent claim, claims a computer program product for displaying to a user a web browsing history on a computer system having a central processing unit. Claim 34 claims the method for displaying a web browsing history, as shown in reference numeral 500 of FIG. 5. The method includes the steps of displaying a list of names of web sites visited by a user (as shown in step 325 of FIG. 3, in step 435 of FIG. 4 and as depicted in FIG. 5, and further described on page 10, lines 8-11, the first full paragraph on page 12, lines 3-12 and on page 13, lines 2-20 of the original specification) the list of names of the web sites being displayed in an order based on a time since last visit by the user to a respective web site of the web sites displayed in the list (reference numeral 500, shown in FIG. 5) and displaying next to each of the names of the web sites, a respective graphic, reference numeral 505, having an intensity that corresponds to a respective time since last visit by the user to each of the web sites displayed, where the displaying

does not include displaying either a time or a date with the web sites. As shown under the heading "Recent Sites" (reference numeral 500) in FIG. 5, the displayed list is ranked in order of time since a web site was last visited by a user along with the respective graphic showing intensity. In particular, FIG. 5, shows under "Recent Sites" (reference numeral 500) that the last web site visited by the user was "Google", since this web site is shown listed at the top of the list, followed next by the web site visited prior in time to "Google", which is shown listed below "Google" as "Slashdot: News for nerds, stuff that matters". Further, the next web site displayed in 500 is "Informatic, website vendor", which was the web site visited prior in time to the web site "Slashdot: News for nerds, stuff that matters". FIG. 5 displays that the least recent web site that was visited by the user is at the bottom of the list of "Recent Sites" displayed, namely, the web site "IBM Research". Further, in the display area adjacent to the list of recent web sites, the display shows a graphic (reference numeral 505), which has an intensity (shown by the shading in graphic 505) corresponding to a respective time since each of the web sites was last visited by the user. In particular, the graphic 505, namely, a gradient bar, displayed next to the web site "Google" is shown as having an intensity that is greater than the intensity shown for the graphic next to "Slashdot: News for nerds, stuff that matters", whereas, the intensity shown for the least recent web site "IBM Research" at the bottom of the displayed list 500 is less than the intensity shown for the graphic next to a respective web site that was recently visited by a user, such as, the "Google" website listed at the top of the list. Claim 38 claims the method for displaying a web browsing history, as shown in

reference numeral 510 of FIG. 5. The method includes the steps of displaying a list of names of web sites visited by a user (as shown in step 325 of FIG. 3, in step 435 of FIG. 4 and as depicted in FIG. 5, and further described on page 10, lines 8-11, the first full paragraph on page 12, lines 3-12 and on page 13, lines 2-20 of the original specification) the list of names of the web sites being displayed in an order based on frequency of visits by the user and displaying next to each of the names of the web sites under the "Favorite Sites", a respective graphic (similar to the graphic, reference numeral 505, under the "Recent Sites" display 500 in FIG. 5) that has an intensity that corresponds to a frequency of visits by the user to a respective web site in the list of names of the web sites, where displaying does not include displaying either a time or a date with the web sites. As shown under the heading "Favorite Sites" (reference numeral 510) in FIG. 5, the displayed list is ranked in order of frequency of visits by a user to a web site, along with the respective graphic showing intensity (shown by the shading in the graphic) corresponding to the frequency of visits to a particular web site. In particular, FIG. 5, shows under "Favorite Sites" (reference numeral 510) that the most frequently visited web site is "Google", since this web site is shown listed at the top of the list, followed next by the web site next most frequently visited, which is shown listed below "Google" as "Slashdot: News for nerds, stuff that matters". Further, the next web site displayed in 510 is "Informatic, website vendor", which is the web site third most frequently visited by the user. FIG. 5 displays that the least frequently visited web site by the user is at the bottom of the list of "Favorite Sites" displayed, namely, the web site "IBM Research". Further, in the display

area 510 adjacent to the list of frequently visited web sites, the display shows a

graphic (similar to that shown as reference numeral 505 in "Recent Sites" 500),

which has a respective intensity corresponding to a respective frequency of visits

by a user to a web site. In particular, the graphic, namely, a gradient bar,

displayed next to the web site "Google" is shown as having an intensity (shading)

that is greater than the intensity shown for the graphic next to "Slashdot: News

for nerds, stuff that matters", indicating that the "Google" web site is more

frequently visited than the "Slashdot: News for nerds, stuff that matters" website.

Further, the intensity shown for the least frequently visited web site "IBM

Research" at the bottom of the displayed list 510 is less than the intensity shown

for the graphic next to a respective web site that was more frequently visited by a

user, such as, the "Google" website listed at the top of the list. Claim 46 claims a

computer program product, stored on a computer readable medium for displaying

to a user a web browsing history (shown in FIG. 5) on a computer system 98

(FIG. 1) having a central processing unit. The computer program product

(reference numeral 125 in FIGS. 1 and 2) includes a computer readable medium,

first program instructions (reference numeral 210 in FIG. 2) to display a list of

names of web sites visited by a user (reference numeral 325 in FIG. 3 and

reference numeral 435 in FIG. 4 and described in the second full paragraph

starting on page 7 and ending on page 8, second full paragraph on page 9 and

second full paragraph starting on page 11 and ending on page 12 of the

specification), the list of names of the web sites being displayed (reference

numeral 500 in FIG. 5) in an order based on a time since last visit by the user to a

respective web site of the web sites displayed in the list (reference numeral 500 in

FIG. 5). The computer program product includes second program instructions to

display, next to each of the names of the web sites, a respective graphic (reference

numeral 505 in FIG. 5) having an intensity that corresponds to a respective time

since last visit by the user to the each of the web sites displayed, where the list of

names of the web sites displayed in FIG. 5 does not display either a time or a date

with the web sites in the list and where the first and second program instructions

are recorded on the medium for execution by the central processing unit of the

computer system (reference numeral 105 in FIG. 1) for displaying to the user (on

client computer 98 in FIG. 1). Claim 50 claims a computer program product,

reference numeral 125 in FIG. 1, stored on a computer readable medium for

displaying (reference numeral 325 in FIG. 3) to a user a web browsing history

(FIG. 5) on a computer system (reference numeral 98 of FIG. 1) having a central

processing unit. The computer program product includes a computer readable

medium, first program instructions to display a list of names of web sites visited

by a user (reference numeral 325 in FIG. 3 and reference numeral 435 in FIG. 4

and described in the second full paragraph starting on page 7 and ending on page

8, second full paragraph on page 9 and second full paragraph starting on page 11

and ending on page 12 of the specification), the list of names of the web sites

being displayed in an order based on frequency of visits by the user (reference

numeral 510 in FIG. 5) and second program instructions to display, next to each

of the names of the web sites, of a respective graphic (the gradient bar showed

next to the displayed list under the heading "Favorite Sites" 510, similar to the

graphic 505 under the "Recent Sites" display 500 in FIG. 5) that has an intensity

(shown by shading) that corresponds to a frequency of visits by the user to a

respective web site in the list of names of the web sites, where the list of names of

the web sites does not display either a time or a date with the web sites in the list

and where the first and second program instructions are recorded on the medium

for execution by the central processing unit of the computer system for displaying

to the user. The claimed subject matter includes displaying the web sites in an

order from the most recently visited web site towards the top to the least recently

visited web site towards the bottom along with a respective graphic displayed

adjacent to a respective displayed web site, the graphic displaying an intensity

that corresponds to a respective time since last visit by the user, where the most

recently visited web site has a graphic that has more intensity than a not so

recently visited web site, as shown in FIG. 5, such that, a user is able to see by

looking at the graphic displayed, which web site was visited more recently than

others. Similarly, the claimed subject matter includes displaying the web sites in

an order from the most frequently visited being displayed towards the top to the

least frequently visited web site being displayed towards the bottom along with a

respective graphic displayed adjacent to a respective displayed web site, the

graphic displaying an intensity that corresponds to a frequency of visits, where the

most frequently visited websites has a graphic that has more intensity than a not

so frequently visited web site, as shown in FIG. 5, such that, a user is able to see

by looking at the graphic displayed, which web site was visited more frequently

than others.

(vi)   Grounds of rejection to be reviewed on appeal.

The issue presented on appeal are:

1. Whether claims 34-35 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharif et al. (US Publication 2003/0115167) in view of Bailey et al. (US Patent 6,785,671).

2. Whether claims 34-41 and 46-53 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharif et al. (US Publication 2003/0115167) in view of Bailey et al. (US Patent 6,785,671) as applied to claims 34-35 and, further, in view of Sommerer (US Publication 2004/0003351).

(vii)   Argument.

Sharif et al. (US Publication 2003/0115167) in view of Bailey et al. (US Patent 6,785,671)

Claims 34 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharif et al. (US Publication 2003/0115167) in view of Bailey et al. (US Patent 6,785,671) in paragraph number 5 (page 2) of the Final Office Action dated May 29,

2008. However, the Final Office Action further states later in the same numbered paragraph (page 2) that "With respect to claim 34, Horn discloses a method for displaying a web browsing history, said method comprising the steps of: displaying a list of names of web sites visited by a user, said list of names of said web sites being displayed in an order based on a time since last visit by said used to a respective web site of said web sites being displayed in said list; wherein displaying does not include displaying either a time or a date with said web sites (Sharif: Paragraph 35, lines 1-35; Paragraph 63, lines 1-15; Paragraph 67, lines 1-18; Figures 8-10)". Appellant submits that Horn et al. (US Publication 2002/0198962) discloses displaying web sites along with a date and a time (see FIG. 11 in the Horn reference), whereas, the present claim 34 claims displaying a list of names of web sites visited by a user, the list of names of the web sites being displayed in an order based on a time since last visit by the user to a respective web site of the web sites being displayed in the list, where the displaying <u>does not include displaying either a time or a date</u> with the web sites (underline added for emphasis). Appellant additionally notes that Horn is not properly referenced in the beginning of paragraph 5 of the Final Office Action for the 35 U. S. C. §103(a) rejection of claims 34 and 35. Given that Horn is not included in this 35 U. S. C. §103(a) rejection in paragraph number 5 (page 2) of the Final Office Action and causes confusion of the record, Appellant contends that this rejection on the record is improper and should be reversed. Additionally, Appellant contend that with a combination of Sharif and Horn or Sharif and Horn and Bailey, claim 34 is clearly not rendered obvious in that as noted above claim 34 specifically excludes displaying a time or a date with the web site as taught and that with such a proposed combination including Horn would result in a

proposed combination displaying a time or a date, which is contrary to the claimed

subject matter given that the claimed subject matter specifically excludes displaying a

time or a date.

The Final Office Action further states on page 3 of the paragraph 5 rejection that

"However, Sharif does not explicitly disclose: displaying next to each of said names of

said web sites, a respective graphic having an intensity that corresponds to a respective

time since last visit by said user to said each of said web sites being displayed."

Furthermore, the Final Office Action states that the Bailey reference "discloses

displaying a graphic rating (zero to five stars) of displayed result items, the number of

stars corresponds to the level of significance of a result to a search query (Bailey:

Column 2, lines 30-43; Column 10, lines 42-46; Figure 4)", and thus, the Final Office

Action states that "it would have been obvious to a person of ordinary skill in the art, at

the time the invention was made, to modify the teachings of Sharif with the teachings of

Bailey to display next to each web site name a respective graphic having an intensity that

corresponds to the time since last visit by a user for displaying results according to levels

of significance to a user's search query (Bailey: Column 2, lines 29-32)". Appellant

submits that Sharif et al. (US Publication 2003/0115167) discloses displaying a general

unordered list of most recently visited URLs (FIG. 4) from which the user can select

[paragraph 0063 and paragraph 0067] a URL, but the Sharif reference does not teach that

the list of URLs is ordered in any way from most recently to least recently visited web

site. In particular, the pending claim 34 requires both listing an order of web site names

and displaying next to such ordered list names an intensity graphic that indicates intensity

in addition to the order ranking the web site since time of last visit. Further, Appellant

submits that the number of stars taught in the Bailey reference is not the same as the

intensity graphic displayed next to an ordered list of web sites as claimed by the present

claim 34. In particular, the listings displayed in the Bailey reference (FIG. 4) are not

listed in an ordered way based on a time since last visit to a web site by the user, but are

listed in an order based on relevance of the search query (Column 2, lines 30-33; Column

9, lines 52-55) and where the results page 400 (FIG. 4) includes a rating 460 for one or

more of the displayed result items, Column 10, lines 42-44. Further, the Bailey reference

teaches that a rating may be "based upon ratings provided by users who have previously

interacted with the same on-line merchant", Column 10, lines 44-47. As such, Appellant

submits that the proposed combination of Sharif and Bailey results in a list that is

unordered based on time since a user last visited the web site, and where the most

recently visited web site would have a graphic of five stars, whereas, the least recently

visited web site would have a graphic of one star, which is not what is claimed in claim

34, and as such, the rejection should be reversed. In contrast, claim 34 claims displaying

a list of names of web sites visited by a user, the list of names of the web sites being

displayed in an order based on a time since last visit by the user to a respective web site

and displaying next to each of the names of the web sites, a respective graphic having an

intensity that corresponds to a respective time since last visit by the user to each of the

web sites displayed, where the intensity of the graphic corresponds to the order of the

web sites most recently visited with the most recently visited web sites having more

intensive graphics than the least recently visited web sites. Further, with respect to claim

35, the Final Office Action states that "Sharif in view of Bailey discloses a method as set

forth in claim 34, said intensity of said graphic next to a name of a respective newer web

site in said list of names of web sites is more intense for a newer web site more recently visited by said user than said intensity of said respective graphic next to another name of another older web site in said list of names of said web site that corresponds to an older web site less recently visited by said user (Sharif: Paragraph 35, lines 1-35; Paragraph 63, lines 1-15; Paragraph 67, lines 1-18; Figures 8-10; Bailey: Column 2, lines 30-43; Column 10, lines 42-46; Figure 4; Here the number of stars in the graphic correspond to the significance of a result, the graphic can have higher number of stars for recently visited sites and lower number of stars for less recently visited sites)." Appellant submits that a thorough reading of the Sharif et al. (US Publication 2003/0115167) and the Bailey et al. (US Patent 6,785,671) references and the prosecution of this application clearly show that the rejection of claims 34 and 35 under 35 U. S. C. §103(a) as being unpatentable over Sharif et al. (US Publication 2003/0115167) in view of Bailey et al. (US Patent 6,785,671) is improper and should be reversed. Appellant contends that neither Sharif et al. (US Publication 2003/0115167) nor Bailey et al. (US Patent 6,785,671) combined teach the invention claimed in claims 34 and 35. In particular, the Sharif et al. (US Publication 2003/0115167) discloses displaying a general unordered list of most recently visited URLs (FIG. 4) from which the user can select [paragraph 0063 and paragraph 0067] a URL, but the Sharif reference does not teach that the list of URLs is ordered in any way from most recently to least recently visited web site. In contrast, the pending claim 34 requires both listing an order of web site names and displaying next to such ordered list names an intensity graphic (gradient bar 505 in FIG. 5) that indicates intensity (via shading in the graphic 505) in addition to the order ranking the web site since time of last visit. Further, the pending claim 35 claims that the intensity of the

graphic for a newer web site is more intense than the intensity of the graphic for an older web site. As proposed, the combination of Sharif and Bailey does not even get half way to such an ordered display with an intensity bar graphic and instead the proposed combination would result in displaying an unordered list of most recent URLs, with the most recent URL having five stars next to the name, whereas, an older URL would have one star, which is not what is claimed in claims 34 and 35 and, as such, the rejection should be reversed.

Sharif et al. (US Publication 2003/0115167) in view of Bailey et al. (US Patent 6,785,671) in view of Sommerer (US Publication 2004/0003351)

Claims 36-41 and 46-53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharif et al. (US Publication 2003/0115167) in view of Bailey et al. (US Patent 6,785,671) as applied to claims 34-35 and further in view of Sommerer et al. (US Publication 2004/0003351) in paragraph number 6 (page 4) of the Final Office Action dated May 29, 2008. A thorough reading of these three references and the prosecution of this application clearly shows that this rejection is improper and should be reversed. Appellant contends, as argued above, that Sharif et al. (US Publication 2003/0115167) and Bailey et al. (US Patent 6,785,671) as combined in the first place rejection of claims 34-35 does not teach or render obvious the invention claimed in claims 34-35. In particular, the Sharif et al. (US Publication 2003/0115167) discloses displaying a list of most recently visited URLs (FIG. 4) from which the user can select [paragraph 0063 and paragraph 0067] a URL, but the proposed combination of Sharif and

Bailey references do not teach that the list of URLs is ordered in any way from most recently to least recently visited web site and do not teach that the respective graphic next to a name of a newer web site is more intense than a respective graphic next to another name of another web site less recently visited, as taught in claims 34 and 35. As such, Appellant submits that a combined teaching of Sharif et al. (US Publication 2003/0115167) and Bailey et al. (US Patent 6,785,671) do not render claims 34 and 35 obvious in that the combined teaching would result in displaying an unordered list of most recent URLs, with the most recent URL having five stars next to the name, whereas, an older URL would have one star, which is not what is claimed in claims 34 and in addition would require (as claimed in claim 35) that the intensity of the respective graphic displayed next to a name of a respective newer web site in the list of names of web sites be more intense for a newer web site more recently visited by the user than the intensity of the respective graphic displayed next to another name of another older web site in the list of names of the web sites that corresponds to an older web site less recently visited by the user. Accordingly, Appellant turns to the rejection of claim 36, which depends from claim 34, such that, claim 36 requires both listing an order of web site names from most recently visited to least recently visited and displaying next to such ordered list of names an intensity graphic that indicates intensity in addition to the order ranking the web site since time of last visit and, further, requires (as claimed in claim 36) that the respective graphic next to the respective web site is a color other than a shade of gray. As proposed, the combination of Sharif and Bailey and Sommerer does not even get half way to such an ordered display as claimed in claims 36, in that, the proposed combination does not teach an ordered display of the web site names and does not teach

displaying a graphic next to that ordered displayed list that corresponds to that ordered

list of web site names corresponding to time of last visit, where the graphic is displayed

in a color other than a shade of gray. Appellant contends that the listings displayed in the

Sommerer reference teaches that "a user can search for a visual aspect that they

remember, even if the user does not remember any text from the resource page (e.g.,

search for the resource page with the green background)". [Page 6, paragraph [0057],

lines 6-9] Further, the Sommerer reference states that the "Search results are indicated by

colored vertical bars in the navigation overview (i.e, orange vertical bars in a color

display) for trails having resource pages that satisfy the search criteria. Additionally, the

visit nodes displayed in the current trail that satisfy the search criteria are also

highlighted. For example, matches may be highlighted in the same color or with varied

intensity of color to reflect the quality of the match for a particular node with respect to

the search query (e.g., color gradation from bright red for a very good match, to orange

for a medium match, to yellow for a low relevance match, etc.)". [Page 6, paragraph

[0057], lines 17-27]. As such, Appellant submits that a combined teaching of Sharif et al.

(US Publication 2003/0115167) and Bailey et al. (US Patent 6,785,671) and Sommerer et

al. (US Publication 2004/0003351) would result in a random list display displaying an

unordered list of most recent URLs, with the most recent URL having five stars next to

the name, whereas, an older URL would have one star, and the search results would be

indicated by colored vertical bars having a greater intensity for a particular search result

more recently visited than a search result less frequently visited, the search results being

displayed in colored bars and in an unordered manner, which is not claimed in claim 36

and, as such, the rejection should be reversed.

Appellant turns to the rejection of claim 37 under 35 U.S.C. § 103(a) as being unpatentable over Sharif et al. (US Publication 2003/0115167) in view of Bailey et al. (US Patent 6,785,671) and in further view of Sommerer (US Publication 2004/0003351). Claim 37, which depends from claim 34, requires both listing an order of web site names from most recently visited to least recently visited and displaying next to such ordered list of names an intensity graphic that indicates intensity in addition to the order ranking the web site since time of last visit and, further, requires (as claimed in claim 37) that the respective graphic displayed next to the respective newer web site in the list of names of the web sites adjoins with another respective graphic next to another older web site to form a gradient bar corresponding to the list of names of the web sites displayed in an order based on a time since last visit. Appellant contends that a combined teaching of Sharif et al. (US Publication 2003/0115167) and Bailey et al. (US Patent 6,785,671) and Sommerer et al. (US Publication 2004/0003351) would result in a random list display displaying an unordered list of most recently visited web sites, and with the most recent URL having five stars next to the name, whereas, an older URL would have one star, and the respective graphic displayed next to a respective web site in the list of names of the web sites would adjoin with another respective graphic next to another web site to form a bar showing color corresponding to the list of unordered names of the web sites displayed, but would not amount to a gradient bar as claimed in claim 37 and, as such, the rejection should be reversed.

Turning to the rejection of claim 38, Appellant contends that neither Sharif et al. (US Publication 2003/0115167) nor Bailey et al. (US Patent 6,785,671) nor Sommerer et al. (US Publication 2004/0003351) combined teach the invention claimed in claim 38. In

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particular, although Sharif et al. (US Publication 2003/115167) discloses displaying a

list of most recently visited URLs (FIG. 4) from which the user can select [paragraph

0063 and paragraph 0067] a URL, Appellant contends that the combination of Sharif and

Bailey and Sommerer references do not teach that the list of URLs is ordered in any way

from most frequently visited to least frequently visited web site and do not teach that the

respective graphic next to a name of the most frequently visited web site is more intense

than a respective graphic next to another name of another web site less frequently visited,

as taught in claim 38. As such, Appellant submits that a combined teaching of Sharif et

al. (US Publication 2003/115167) and Bailey et al. (US Patent 6,785,671) and

Sommerer et al. (US Publication 2004/0003351) do not render claim 38 obvious in that

the combined teaching would result in displaying an unordered list of most recent URLs,

with the most frequently visited web site having five stars next to the name, whereas, the

least frequently visited web site would have one star, with the search results being

displayed in colored bars in an unordered manner, which is not what is claimed in claim

38. Accordingly, Appellant turns to the rejection of claim 39, which depends from claim

38, such that, claim 39 requires both listing an order of web site names from most

frequently visited to least frequently visited and displaying next to such ordered list of

names an intensity graphic that indicates intensity in addition to the order ranking the

web site based on frequency of visits and further requires (in claim 39) that the intensity

of the respective graphic displayed next to a name of a respective web site in the list of

names of web sites be more intense for a web site more frequently visited by the user

than the intensity of the respective graphic next to another name of another web site in

the list of names of the web sites that corresponds to another web site less frequently

visited by the user. As proposed, the combination of Sharif and Bailey and Sommerer does not even get half way to such an ordered display as claimed in claims 39, in that, the proposed combination does not teach an ordered display of the web site names and does not teach displaying a graphic that corresponds to that ordered list of web site names corresponding to frequency of visits to a web site, where the intensity of the respective graphic displayed next to a name of a respective newer web site in the list of names of web sites is more intense for a newer web site more recently visited by the user than the intensity of the respective graphic displayed next to another name of another older web site in the list of names of the web sites that corresponds to an older web site less recently visited by the user and, as such, the rejection with respect to claim 39 should be reversed.

Accordingly, Appellant turns to the rejection of claim 40, which depends from claim 38, such that, claim 40 requires both listing an order of web site names from most recently visited to least recently visited and displaying next to such ordered list of names an intensity graphic that indicates intensity in addition to the order ranking the web site based on frequency of visits, and further, requires (as claimed in claim 40) that the respective graphic next to the respective web site is a color other than a shade of gray. As proposed, the combination of Sharif and Bailey and Sommerer again does not get half way to such an ordered display as claimed in claims 40, in that, the proposed combination does not teach an ordered display of the web site names and does not teach displaying a graphic that corresponds to that ordered list of web site names corresponding to frequency of visits, where the graphic is displayed in a color other than a shade of gray. The proposed combination would result in a random list display displaying an unordered list of most frequently visited URLs, with the most frequently visited URL having five

stars next to the name, whereas, a less frequently visited URL would have one star, and

the search results would be indicated by colored vertical bars having a greater intensity

for a particular search result where a webs site was more frequently visited than a search

result where a web site was less frequently visited, the search results being displayed in

colored bars and in an unordered manner, which does not amount to a gradient bar as

claimed in claim 40 and, as such, the rejection should be reversed.

 Appellant turns to the rejection of claim 41 under 35 U.S.C. § 103(a) as being

unpatentable over Sharif et al. (US Publication 2003/0115167) in view of Bailey et al.

(US Patent 6,785,671) and in further view of Sommerer (US Publication 2004/0003351).

Claim 41, which depends from claim 38, requires both listing an order of web site names

from most frequently visited to least frequently visited and displaying next to such

ordered list of names an intensity graphic that indicates intensity in addition to the order

ranking the web site based on frequency of visits and, further, requires (as claimed in

claim 41) that the respective graphic displayed next to the most frequently visited web

site in the list of names of the web sites adjoins with another respective graphic next to

another web site less frequently visited to form a gradient bar corresponding to the list of

names of the web sites displayed in an order based on frequency of visits. Appellant

contends that a combined teaching of Sharif et al. (US Publication 2003/0115167) and

Bailey et al. (US Patent 6,785,671) and Sommerer et al. (US Publication 2004/0003351)

would result in a random list display displaying an unordered list of frequently visited

web sites, and with the most frequently visited URL having five stars next to the name,

whereas, a URL that is less frequently visited would have one star, and the respective

graphic displayed next to a respective web site in the list of names of the web sites would

adjoin with another respective graphic next to another web site to form a bar with

different colors corresponding to the list of unordered names of the web sites displayed,

but would not amount to a gradient bar as claimed in claim 41 and, as such, the rejection

of claim 41 should be reversed.

Appellant turns to the rejection of claim 46 under 35 U.S.C. § 103(a) as being

unpatentable over Sharif et al. (US Publication 2003/0115167) in view of Bailey et al.

(US Patent 6,785,671) and in further view of Sommerer (US Publication 2004/0003351).

Claim 46 requires that program instructions stored on a computer readable medium both

list an order of web site names from most recently visited to least recently visited and to

display next to such ordered list of names a corresponding intensity graphic that indicates

intensity in addition to the order ranking the web site since time of last visit. Appellant

contends that a combined teaching of Sharif et al. (US Publication 2003/0115167) in

view of Bailey et al. (US Patent 6,785,671) and further in view of Sommerer et al. (US

Publication 2004/0003351) do not render claim 36 obvious in that the combined

teachings would result in displaying an unordered list of most recent URLs, with the most

recent URL having five stars next to the name, whereas, an older URL would have one

star and where the stars would be displayed in colors, which is not what is claimed in

claims 46. As such, the rejection of claim 46 should be reversed.

Appellant turns to the rejection of claim 47 under 35 U.S.C. § 103(a) as being

unpatentable over Sharif et al. (US Publication 2003/0115167) in view of Bailey et al.

(US Patent 6,785,671) and in further view of Sommerer (US Publication 2004/0003351).

Claim 47, which depends from claim 46, requires that the program instructions stored on

a computer readable medium both list an order of web site names from most recently

visited to least recently visited and to display next to such ordered list of names a corresponding intensity graphic that indicates intensity in addition to the order ranking the web site since time of last visit and further requires that the intensity of the respective graphic displayed next to a name of a respective newer web site in the list of names of web sites is more intense for a newer web site more recently visited by the user than the intensity of the respective graphic displayed next to another name of another older web site in the list of names of web sites that corresponds to an older web site less recently visited by the user, which is not shown by the combined references. Appellant contends that a combined teaching of Sharif and Bailey and Sommerer do not render claim 47 obvious in that the combined teachings would result in displaying an unordered list of most recent URLs, with the most recent URL having five stars next to the name, whereas, an older URL would have one star and where the stars would be displayed in colors, which is not what is claimed in claims 47. As such, the rejection of claim 47 should be reversed.

Appellant turns to the rejection of claim 48 under 35 U.S.C. § 103(a) as being unpatentable over Sharif et al. (US Publication 2003/0115167) in view of Bailey et al. (US Patent 6,785,671) and in further view of Sommerer (US Publication 2004/0003351). Claim 48, which depends from claim 46, requires that the program instructions stored on a computer readable medium both list an order of web site names from most recently visited to least recently visited and to display next to such ordered list of names a corresponding intensity graphic that indicates intensity in addition to the order ranking the web site since time of last visit and further requires that the respective graphic next to the respective web site comprises a color other than a shade of gray. The proposed

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combination of Sharif, Bailey and Sommerer would result in a random list display

displaying an unordered list of most recent URLs, with the most recent URL having five

stars next to the name, whereas, an older URL would have one star, and the search results

would be indicated by colored vertical bars having a greater intensity for a particular

search result more recently visited than a search result less recently visited, and the

search results being displayed in colored bars and in an unordered manner, which is not

claimed in claim 48 and, as such, the rejection should be reversed.

Appellant turns to the rejection of claim 49 under 35 U.S.C. § 103(a) as being

unpatentable over Sharif et al. (US Publication 2003/0115167) in view of Bailey et al.

(US Patent 6,785,671) and in further view of Sommerer (US Publication 2004/0003351).

Claim 49, which depends from claim 46, requires that the program instructions stored on

a computer readable medium both list an order of web site names from most recently

visited to least recently visited and to display next to such ordered list of names a

corresponding intensity graphic that indicates intensity in addition to the order ranking

the web site since time of last visit and further requires that the respective graphic next to

the respective newer web site in the list of names of the web sites adjoins with the

respective graphic displayed next to a respective web site in the list of names of the web

sites would adjoin with another respective graphic next to another web site to form a bar

corresponding to the list of ordered names of the web sites displayed, but would not

amount to a gradient bar as claimed in claim 49 and, as such, the rejection should be

reversed.

Turning to the rejection of claim 50, Appellant contends that neither Sharif et al.

(US Publication 2003/0115167) nor Bailey et al. (US Patent 6,785,671) nor Sommerer et

al. (US Publication 2004/0003351) combined teach the invention claimed in claim 50.

Claim 50 requires that program instructions stored on a computer readable medium both

list an order of web site names from most frequently visited to least frequently visited and

display a respective graphic next to a name of the most frequently visited web site that is

more intense than a respective graphic next to another name of another web site less

frequently visited, as taught in claim 50. In contrast, the combination of Sharif and

Bailey and Sommerer does not teach that the list of URLs is ordered in any way from

most frequently visited to least frequently visited web site and do not teach that the

respective graphic next to a name of the most frequently visited web site is more intense

than a respective graphic next to another name of another web site less frequently visited,

as taught in claim 50. As such, Appellant submits that a combined teaching of Sharif et

al. (US Publication 2003/0115167) and Bailey et al. (US Patent 6,785,671) in view of

Sommerer et al. (US Publication 2004/0003351) do not render claim 50 obvious in that

the combined teaching would result in the program instructions displaying an unordered

list of most recent URLs, with the most frequently visited web site having five stars next

to the name, whereas, the least frequently visited web site would have one star, and where

the stars would be displayed in colors, which is not what is claimed in claim 50 and, as

such, the rejection should be reversed.

Further, Appellant turns to the rejection of claim 51, which depends from claim

50, requires that program instructions stored on a computer readable medium both list an

order of web site names from most frequently visited to least frequently visited and

require displaying next to such ordered list of names an intensity graphic that indicates

intensity in addition to the order ranking the web site based on frequency of visits and

further requires (in claim 51) that the intensity of the respective graphic displayed next to a name of a respective web site in the list of names of web sites be more intense for a web site more frequently visited by the user than the intensity of the respective graphic next to another name of another web site in the list of the names of the web sites that corresponds to another web site less frequently visited by the user. As proposed, the combination of Sharif and Bailey and Sommerer does not again get half way to such an ordered display as claimed in claim 51, in that, the proposed combination does not teach an ordered display of the web site names based on frequency and does not teach program instructions displaying a graphic that corresponds to that ordered list of web site names corresponding to frequency of visits to a web site, where the intensity of the respective graphic displayed next to a name of a respective web site in the list of names of web sites is more intense for a web site more frequently visited by the user than the intensity of the respective graphic displayed next to another name of another web site in the list of names of the web sites that corresponds to a web site less frequently visited by the user. Appellant contends that a combined teaching of Sharif and Bailey and Sommerer do not render claim 51 obvious in that the combined teachings would result in displaying an unordered list of frequently visited URLs, with the most frequently visited URL having five stars next to the name, whereas, a less frequently visited URL would have one star and where the stars would be displayed in colors, which is not what is claimed in claims 51. As such, the rejection of claim 51 should be reversed.

Accordingly, Appellant turns to the rejection of claim 52, which depends from claim 51, with claim 51 being dependent on claim 50, as such, the program instructions in claim 52 requires program instructions stored on a computer readable medium that both

list an order of web site names from most frequently visited to least frequently visited and displaying next to such ordered list of names an intensity graphic that indicates intensity in addition to the order ranking the web site based on frequency of visits. Further, claim 52 requires that the respective graphic next to the respective web site is a color other than a shade of gray. As proposed in the Final Office Action, the combination of Sharif and Bailey and Sommerer again does not even get half way to such an ordered display as claimed in claim 52, in that, the proposed combination does not teach an ordered display of the web site names and does not teach displaying a graphic that corresponds to that ordered list of web site names corresponding to frequency of visits, where the graphic is displayed in a color other than a shade of gray. The proposed combination would result in a random list display displaying an unordered list of most frequently visited URLs, with the most frequently visited URL having five stars next to the name, whereas, a less frequently visited URL would have one star, and the search results would be indicated by colored vertical bars having a greater intensity for a particular search result where a web site was more frequently visited than a search result where a web site was less frequently visited, the search results being displayed in colored bars and in an unordered manner, which does not amount to what is claimed in claim 52 and, as such, the rejection should be reversed.

Appellant turns to the rejection of claim 53 under 35 U.S.C. § 103(a) as being unpatentable over Sharif et al. (US Publication 2003/0115167) in view of Bailey et al. (US Patent 6,785,671) and in further view of Sommerer (US Publication 2004/0003351). Claim 53, which depends from claim 51, requires program instructions stored on a computer readable medium that both list an order of web site names from most frequently

visited to least frequently visited and program instructions that display next to such

ordered list of names an intensity graphic that indicates intensity in addition to the order

ranking the web site based on frequency of visits and, further, requires that the respective

graphic displayed next to the most frequently visited web site in the list of names of the

web sites adjoins with another respective graphic next to another web site less frequently

visited to form a gradient bar corresponding to the list of names of the web sites

displayed in an order based on frequency of visits. Appellant contends that a combined

teaching of Sharif et al. (US Publication 2003/0115167) and Bailey et al. (US Patent

6,785,671) and Sommerer (US Publication 2004/0003351) would result in a random list

display displaying an unordered list of frequently visited web sites, and with the most

frequently visited URL having five stars next to the name, whereas, a URL that is less

frequently visited would have one star, and the respective graphic displayed next to a

respective web site in the list of names of the web sites would adjoin with another

respective graphic next to another web site to form a bar with different colors

corresponding to the list of unordered names of the web sites displayed, but would not

amount to a gradient bar as claimed in claim 53 and, as such, the rejection of claim 53

should be reversed.

For the reasons set forth above, it is respectfully submitted that the rejections of claims

34-41 and 46-53 are improper and should be reversed.

(viii)   Claims Appendix.

What is claimed is:

1-33.   (Canceled).

34.   A method for displaying a web browsing history, said method comprising the steps of:

displaying a list of names of web sites visited by a user, said list of names of said web sites being displayed in an order based on a time since last visit by said user to a respective web site of said web sites displayed in said list; and

displaying next to each of said names of said web sites, a respective graphic having an intensity that corresponds to a respective time since last visit by said user to said each of said web sites displayed; wherein displaying does not include displaying either a time or a date with said web sites.

35.   A method as set forth in claim 34, wherein said intensity of said respective graphic next to a name of a respective newer web site in said list of names of web sites is more intense for a newer web site more recently visited by said user than said intensity of said respective graphic next to another name of another older web site in said list of names of said web sites that corresponds to an older web site less recently visited by said user.

36.   A method as set forth in claim 34, wherein said respective graphic next to said respective web site comprises a color other than a shade of gray.

37.   A method as set forth in claim 34, wherein said respective graphic next to said respective newer web site in said list of names of said web sites adjoins with said another respective graphic next to said another older web site to form a gradient bar corresponding to said list of names of said web sites.

38.   A method for displaying a web browsing history, said method comprising the steps of:
        displaying a list of names of web sites visited by a user, said list of names of said web sites being displayed in an order based on frequency of visits by said user; and
        displaying next to each of said names of said web sites, a respective graphic having an intensity that corresponds to a frequency of visits by said user to a respective web site in said list of names of said web sites; wherein displaying does not include displaying either a time or a date with said web sites.

39.   A method as set forth in claim 38, wherein said intensity of said respective graphic next to a name of a respective web site in said list of names of web sites is more intense for a web site more frequently visited by said user than said intensity of said respective graphic next to another name of another web site in said list of names of said web sites that corresponds to another web site less frequently visited by said user.

40. A method as set forth in claim 38, wherein said respective graphic next to said respective web site comprises a color other than a shade of gray.

41. A method as set forth in claim 38, wherein said respective graphic next to said respective web site in said list of names of said web sites adjoins with said another respective graphic next to said another web site to form a gradient bar corresponding to said list of names of said web sites.

42. (Canceled).

43. (Canceled).

44. (Canceled).

45. (Canceled).

46. A computer program product stored on a computer readable medium for displaying to a user a web browsing history on a computer system having a central processing unit, said computer program product comprising:

a computer readable medium;

first program instructions to display a list of names of web sites visited by a user, said list of names of said web sites being displayed in an order based on a time since last visit by said user to a respective web site of said web sites displayed in said list; and

second program instructions to display, next to each of said names of said web sites, of a respective graphic having an intensity that corresponds to a respective time since last visit by said user to said each of said web sites displayed; wherein said list of names of said web sites displayed does not display either a time or a date with said web sites in said list; and wherein

said first and second program instructions are recorded on said medium for execution by said central processing unit of said computer system for displaying to said user.

47.   A computer program product as set forth in claim 46, wherein said intensity of said respective graphic next to a name of a respective newer web site in said list of names of web sites is more intense for a newer web site more recently visited by said user than said intensity of said respective graphic next to another name of another older web site in said list of names of web sites that corresponds to an older web site less recently visited by said user.

48.   A computer program product as set forth in claim 46, wherein said respective graphic next to said respective web site comprises a color other than a shade of gray.

49.   A computer program product as set forth in claim 46, wherein said respective graphic next to said respective newer web site in said list of names of said web sites adjoins with said another respective graphic next to said another older web site to form a gradient bar corresponding to said list of names of said web sites.

50.   A computer program product stored on a computer readable medium for displaying to a user a web browsing history on a computer system having a central processing unit, said computer program product comprising:

a computer readable medium;

first program instructions to display a list of names of web sites visited by a user, said list of names of said web sites being displayed in an order based on frequency of visits by said user; and

second program instructions to display, next to each of said names of said web sites, of a respective graphic having an intensity that corresponds to a frequency of visits by said user to a respective web site in said list of names of said web sites; wherein said list of names of said web sites does not display either a time or a date with said web sites in said list; and wherein said first and second program instructions are recorded on said medium for execution by said central processing unit of said computer system for displaying to said user.

51.   A computer program product as set forth in claim 50, wherein said intensity of said respective graphic next to a name of a respective web site in said list of names of web sites is more intense for a web site more frequently visited by said user than said intensity of said respective graphic next to another name of another web site in said list of names of said web sites that corresponds to another web site less frequently visited by said user.

52.   A computer program product as set forth in claim 51, wherein said respective graphic next to said respective web site comprises a color other than a shade of gray.

53.   A computer program product as set forth in claim 51, wherein said respective graphic next to said respective web site in said list of names of web sites adjoins with said another respective graphic next to said another web site to form a gradient bar corresponding to list of names of said web sites.

(ix)   *Evidence appendix.*

None

(x)   *Related proceedings appendix.*

None

The Commissioner is hereby authorized to charge $540.00 for payment of the Appeal Brief fee to Deposit Account No. 09-0457. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments regarding this correspondence to Deposit Account No. 09-0457.

Respectfully submitted,

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